

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF MASSACHUSETTS

Mark A. Peterson,
Plaintiff

Civil Case No. CA04-40148

vs.

Massachusetts Institute of
Technology – Lincoln Laboratory,
and Research Development and Technical
Employees Union,

AFFIDAVIT

I, Myrna Solod, hereby depose and say:

1. I am the Clerk of the Massachusetts Commission Against Discrimination (hereafter "the Commission"), and as such am familiar with the record-keeping procedures of the Commission.

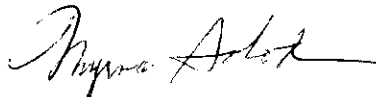
2. Search of Commission records indicates that Mark A. Peterson has filed one complaint at the Commission (PETERSON v. MIT LINCOLN LAB - MCAD Docket No. 03BEM02990).

3. I have reviewed the copies attached hereto.

4. After a review of the copies and a comparison of those copies with records kept in the files of the Commission, I hereby certify that the copies are true and accurate copies of documents actually in the records of the Commission.

5. Such records and documents are kept in the regular and usual course of business by the Commission.

6. The above statements are made and signed under pains and penalties of perjury this 4th day of October, 2004.



Myrna Solod
Clerk of the Commission

Case Management System

Complaint Tasks User

Complaint (031302990)
 Complaint
 General Info
 Incident Info
 Federal Info
 Complainants
 Mark Peterson
 Respondents
 MIT Lincoln Lab
 Interested Parties
 Attorneys
 Allegations
 Events
 Notes
 Documents
 Public Hearing

Complaint ID: 031302990 Case Status: Closed Staff Permanently Assigned: ☒
 Complaint Age: 317 Status Date: 04/13/2004 Staff Temporarily Assigned: ☒
 Administrative Information

Simple Search

☐ Date Filed: 10/1/2004 to 11/01/2004

Search Field: Complainant Operation: Like First Name: mark Last Name: peterson

Results: 1 Complaint Found

Complaint ID	Case Status	Date Filed	Permanently Assigned	Complainant	Respondent
031302990	Closed	11/19/2003	K B	Mark A. Peterson	MIT Lincoln Lab

System Help

Start |

is

**ANGOFF, GOLDMAN, MANNING,
WANGER & HYNES, P.C.**

E. DAVID WANGER
J.F. McMAHON
PAUL T. HYNES

CONSELLORS AT LAW
45 BROMFIELD STREET
8th FLOOR
BOSTON MASSACHUSETTS 02108

SAMUEL EANGOFF
(1929 - 1978)
SIDNEY S. GRANT
(1929 - 1957)

(617) 723-5500
FACSIMILE (617) 742-1015

OF COUNSEL
ALBERT LGOLDMAN
ROBERT D. MANNING

FACSIMILE TRANSMITTAL SHEET

**NOTE: IF YOU HAVE A QUESTION OR PROBLEM REGARDING THIS
TRANSMISSION, PLEASE CALL (617) 723-5500**

Attention Fax Operator: This telecopy is attorney-client privileged and contains confidential information intended only for the person(s) named below. Any other distribution, copying or disclosure is strictly prohibited. If the below-named addressee is not a person at your office, this fax may have been misssent to your number by mistake and should be reported to the sender immediately. Please telephone sender, collect if long-distance, to report the error. This fax may contain sensitive or confidential information the unintended release of which may have unfortunate legal and other consequences. Thank you

TO:

FROM:

Yudelka Pina

John McMahon

COMPANY:

DATE:

MCAD

9/15/04

FAX NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER:

(617) 994-6024

- 17

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE:

YOUR REFERENCE NUMBER:

MCAD DOCKET NO. 03 BEM 02990

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

MESSAGE:

**ANGOFF, GOLDMAN, MANNING,
WANGER & HYNES, P.C.**

E. DAVID WANGER
J. F. McMAHON
PAUL T. HYNES

COUNSELLORS AT LAW
45 BROMFIELD STREET
FLOORS 8 & 9
BOSTON, MASSACHUSETTS 02108-4106

(617) 723-5500
FACSIMILE: (617) 742-1015

SAMUEL E. ANGOFF
(1929-1978)
SIDNEY S. GRANT
(1929-1967)

OF COUNSEL

ALBERT L. GOLDMAN
ROBERT D. MANNING

VIA FAX AND U. S. MAIL - 617-994-6024

September 15, 2004

Yudelka Pina
Commission Against Discrimination
One Ashburton Place
Boston, MA 02108

**RE: Peterson v. MIT Lincoln Laboratory
MCAD Docket No. 03BEM02990**

Dear Mrs. Pina:

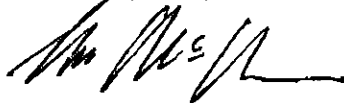
Enclosed are my letter to Mr. Turner and its draft certification for proposed filing in Peterson v. MIT - Lincoln Laboratory and Research, Development and Technical Employees Union, U.S.D.C. C.A.04-40148 and the appended Commission records.

As noted in my letter and in our conversation, my office represents the Union. Mr. Peterson did not file an MCAD Complaint against the Union.

Could you advise me about any procedure for certification of the records.

Thank you for your assistance.

Very truly yours,



John F. McMahon

JFM/c
encls.

cc: David Gay, President

MS

**ANGOFF, GOLDMAN, MANNING,
WANGER & HYNES, P.C.**

E. DAVID WANGER
J. F. McMAHON
PAUL T. HYNES

COUNSELLORS AT LAW
45 BROMFIELD STREET
FLOORS 8 & 9
BOSTON, MASSACHUSETTS 02108-4106

(617) 723-5500

FACSIMILE: (617) 742-1016

SAMUEL E. ANGOFF
(1929-1978)
SIDNEY S. GRANT
(1929-1977)

OF COUNSEL

ALBERT L. GOLDMAN
ROBERT D. MANNING

VIA FAX AND MAIL: 617-994-6024

September 10, 2004

Jeffrey Turner
Administrator of Public Records
Commission Against Discrimination
One Ashburton Place - Room 601
Boston, MA 02108

RE: **Peterson v. MIT Lincoln Lab.**
MCAD Docket No. 03BEM02990

Dear Mr. Turner:

I represent the Research, Development, and Technical Employees Union, the bargaining agent for units of Institute and Laboratory employees. Mr. Peterson has initiated an action against the Employer and the Union asserting religious discrimination.

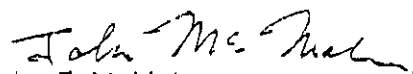
I advised in a recent voice mail that I would forward a draft certification of the Commission's records in his complaint against the Employer. I obtained the appended records recently from your office. The records reflect that his complaint charged only the employer. I understand also that there are no records of any Complaint against the Union.

This cumbersome certification is required by Fed. R. Civ. P. 44(b) and F.R. Evid. 901(b)7 or 902(4). Certification should bear the Agency's seal.

Please call me to discuss my request and possible alternatives.

Thank you for your cooperation.

Very truly yours,



John F. McMahon

JFM\pf

Encs.

cc: David Gay, Pres., RDTEU

MS

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL SECTION

_____)	CA04-40148
MARK A. PETERSON,)	
)	
Plaintiff)	
)	
v.)	
)	
MASSACHUSETTS INSTITUTE OF)	
TECHNOLOGY – LINCOLN LABORATORY)	
)	
-and-)	
)	
RESEARCH, DEVELOPMENT and)	
TECHNICAL EMPLOYEES UNION)	
Defendants)	
_____)	

CERTIFICATION

I, Jeffrey Turner, am Administrator of Public Records of the Massachusetts Commission Against Discrimination ("Commission") and I am authorized to make this certification as to these matters of public records.

(A) The Commission's public records of the matter docketed as Peterson v. MIT Lincoln Lab, MCAD Docket no. 03BEM02990, are:

1. A complaint filed on November 19, 2003, appended as Exhibit 1;
2. A letter dated April 9, 2004, from David O. Scott, Esquire to the Commission, appended as Exhibit 2;
3. A RECOMMENDATION: CASE CLOSURE – WITHDRAWN IN ORDER TO FILE A PRIVATE RIGHT OF ACTION IN THE SAME MATTER IN CIVIL COURT, appended as Exhibit 3; and,
4. A letter dated April 13, 2004, from Walter J. Sullivan, Investigating Commissioner, to David O. Scott, appended as Exhibit 4.

JS

(E). After diligent search no record of any Complaint by Mark A. Peterson against the Research, Development, and Technical Employees Union ("Union") was found in the records of the Commission.

I certify that the records appended as Exhibits 1, 2, 3, and 4 are accurate copies of the Commission's public records and that after diligent search no record of any Complaint by Mark A. Peterson against the Union exists in the Commission's public records.

Jeffrey Turner
Administrator of Public Records
Commission Against Discrimination
One Ashburton Place
Boston, MA 02108

4/13/04

The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024

Date Issued: 4/13/2004

David O. Scott, Esq.
Law Office of David O. Scott, P.C.
200 Chauncy Street
Mansfield, MA 02048

Re: Complainant(s) Mark A Peterson

Vs.

Respondent(s) MIT Lincoln Lab

MCAD Docket Number: 03BEM02990
EEOC/HUD Charge Number: 16CA400336

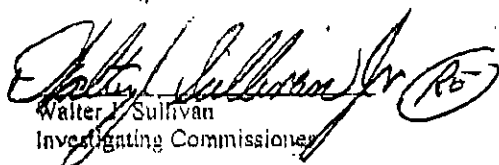
Dear Counsel:

The Commission has received notice that a civil action is being filed in Civil Court in the above-referenced matter. Pursuant to M.G.L.A. 151B, Section 9 (Chapter 478 of the Acts of 1974), the complaint before the Commission is hereby dismissed without prejudice as to the merits.

Please be advised that pursuant to 804 CMR 1.15(2), the parties are required to serve upon the Commission's General Counsel a copy of any final order obtained in court. In addition, any party filing an appeal of such final order is required to serve a notice of appeal upon the Commission's General Counsel.

Please be advised the Complainant is barred from subsequently bring a complaint on the same matter before this Commission.

Very truly yours,


Walter J. Sullivan
Investigating Commissioner

Co:

Jerome N. Weinstein, Esq.
Sullivan, Weinstein & McQuay
Two Park Plaza
Boston, MA 02116

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST
DISCRIMINATION
ONE ASHBURTON PLACE
BOSTON, MA 02108-1518

Tel: (617) 994-6000

TTY: (617) 994-6196

Fax: (617) 994-6024

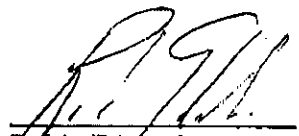
TO: File
FR: Robin Edwards
RE: Mark A. Peterson v. MIT Lincoln Lab
MCAD # 03BEM02990
EEOC # 16CA400336 (25+ employees)
DATE: April 13, 2004

**RECOMMENDATION: CASE CLOSURE -- WITHDRAWN IN ORDER TO
FILE A PRIVATE RIGHT OF ACTION ON THE SAME MATTER IN
CIVIL COURT**

On November 19, 2003 Complainant filed a complaint with the Massachusetts Commission Against Discrimination and the EEOC. Complainant alleged Respondents discriminated against him on or around November 19, 2003 on the basis of Religious Creed in violation of M.G.L. c.151B§4 (1A) and Title VII.

On April 9, 2004 Complainant's Counsel submitted a request to withdraw this complaint from the MCAD and EEOC in order to pursue the matter as a private right of action in civil court.

The Commission finds no reason to investigate this matter further. Therefore, it is recommended that Complainant be allowed to withdraw this complaint.



Robin Edwards
Administrative Assistant
MCAD, AAU

Kimberly
Boyd

LAW OFFICE OF DAVID O. SCOTT, P.C.

200 CHANCERY STREET
MANSFIELD, MASSACHUSETTS 02048
508-261-7080

SUZANNE A. JETTE
PARALEGAL

FAX 508-261-7186
E-MAIL: DSERQ@AOL.COM

Massachusetts Commission
Against Discrimination
One Ashburton Place, Room 601
Boston, Massachusetts 02108

April 9, 2004

IN RE: MARK A. PETERSON v. M.I.T. LINCOLN LAB
MCAD DOCKET NO. 03-BEM-02990

Dear Sir/Madam:

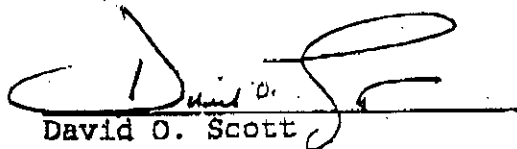
I hereby request permission to withdraw the Complaint filed on behalf of my client, Mark A. Peterson, filed with this Commission for the following reason.

- [X] Complainant wishes to file a private right of action in Civil Court.
- [] Complainant has reached a satisfactory settlement with the Respondent.
- [] Complainant no longer intends to pursue this matter at the Commission.

Complainant also wishes to withdraw this Complaint from the Equal Employment Opportunity Commission.

Complainant understands that by making this request, no further complaint on the same matter may be brought before the MCAD. Complainant has been advised that it is unlawful for any person or persons to threaten, intimidate, or harass him because he filed a Complaint. Complainant has not been coerced into requesting this withdrawal.

Very truly yours,


David O. Scott

DOS/saj

cc: Mark A. Peterson
23 Mechanic Street
Milford, Massachusetts 01757

Jerome N. Weinstein, Esquire
Sullivan, Weinstein & McQuay
Two Park Plaza
Boston, Massachusetts 02110-3802

The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024

MCAD DOCKET NUMBER: 03BEM02990
FILING DATE: 11/19/03

EEOC/HUD CHARGE NUMBER: 16CA400336
VIOLATION DATE: 11/19/03

Name of Aggrieved Person or Organization:

Mark A Peterson
23 Mechanic Street
Milford, MA 01757
Primary Phone: (508) 634-5294 ext. _____

Named is the employer, labor organization, employment agency, or state/local government agency who discriminated against me:

MIT Lincoln Lab
Human Resources
244 Wood Street
Lexington, MA 02420
Primary Phone: (781) 981-5500 ext. _____
No. of Employees: 25+
Work Location: Lexington, MA

Cause of Discrimination based on:

Creed, Other specified creed (e.g. Non-Catholic).

The particulars are:

I, Mark A Peterson, the Complainant believe that I was discriminated against by MIT Lincoln Lab, on the basis of Creed. This is in violation of M.G.L. 151E Section 4 Paragraph 1A and Title VII.

I have been an employee of the Respondent, MIT Lincoln Lab, for 22 years as a machinist. For the past fifteen years, the Respondent has singled me out and harassed me. I have been assaulted with a chemical, had my property vandalized and stolen, my machines tampered with, threats against me and my wife, and threatening telephone calls. I have complained many times to Human Resources about this harassment. The Respondent has never done anything about this harassment. Human Resources claims to conduct investigations, but always comes back with an inconclusive finding. I believe that the reason the Respondent harasses me and singles me out is because of my Religious beliefs (Born Again Christian - Historic Orthodox Christian Bible Believing Views).

I have also been subjected to disparate treatment. There is a political system that exists where no one is treated the same and everyone in the department has to follow different rules. The most recent example of this different treatment is that I was reprimanded for reading at my machine. I was forced to work on a particular machine that I had never been trained to use before. I explained to my boss that I had never used the machine before and he had a Vietnamese employee, who did not speak English too well, train me on the machine. Because of the language barrier, it took a long time for me to be trained on that machine.

Almost two weeks later, while running my machine, my boss' supervisor, David Mandeville, and a fellow employee/union member told me to stop reading at the machine, in front of everyone. I asked Mr. Mandeville why there was different treatment among the employees. Mr. Mandeville told me to just sit there and look at the machine. All during this time, the other employees were surfing the net and doing other things while operating their machines. I did not understand why he told me to stop reading at the machine. Mr. Mandeville never offered me any reason for not reading.

Subsequent to this confrontation, a fellow employee told me that management was concerned about why it was taking me twice as long to run the machine as the other employees. Naturally, with my limited

knowledge about the new machine and my lack of adequate training, it would take me longer to get my work done. I went to Human Resources and we talked about the issue. We agreed that Mr. Mandeville should not have approached me in that manner. I felt that this was a brush off and requested another meeting, this time with Mr. Mandeville. During this meeting, Human Resources told me that Mr. Mandeville's request for me to stop reading at the machine was not because of my work productivity, but because it just did not look good. Then I asked Human Resources why other employees can read at their machines and they did not give me an adequate response. Furthermore, in my twenty-two years with the Respondent, it has been common practice for the machinists to read while at the machines.

Based on these facts, I feel that I have been discriminated against based on my religious beliefs. All I ask is that the harassment stops and that I be treated the same as everyone else in the department.

I swear or affirm that I have read this complaint and that it is true to the best of my knowledge, information and belief.

Mark A. Peterson
(Signature of Complainant)

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS DAY of 11/19/2003.

NOTARY PUBLIC: Wayne Thomas

SIGNATURE NOTARY PUBLIC: Wayne Thomas

MY COMMISSION EXPIRES: 5/7/10

(10)

*** RX REPORT ***

RECEPTION OK

TX/RX NO	9386
RECIPIENT ADDRESS	16177421015
DESTINATION ID	
ST. TIME	09/15 01:34
TIME USE	05'32
PGS.	11
RESULT	OK

MS

**The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024**

MCAD DOCKET NUMBER: 03BEM02990
FILING DATE: 11/19/03

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23 Mechanic Street
Milford, MA 01757
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Human Resources
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Mark A. Peterson
(Signature of Complainant)

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS DAY of 11/19/2003.

NOTARY PUBLIC: Wayne Thomas

SIGNATURE NOTARY PUBLIC: Wayne Thomas

MY COMMISSION EXPIRES: 5/7/10

Attn: Pamela Brooks

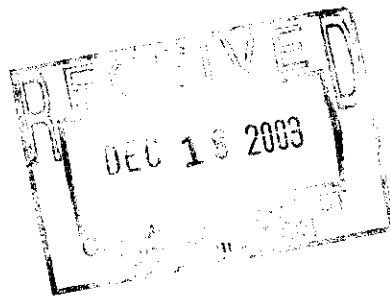
This is an amendment to my previous complaint.

Even since my complaint with MCAD started, I am still being subjected to a work environment which is discriminatory, harassing, and hostile. One employee at work named Matt Pineau has interfered repeatedly over the course of several years with my ability to work. I've brought complaints such as verbal abuse of a religious nature, insulting and provoking remarks about me to others in my presence, throwing trash in my machine, moving my rollaway tool box far away from my immediate work area when I'm not around, and the reason I'm here today - repeatedly messing around with the machine I'm working at when I leave briefly, or am gone for a day. Also there have been numerous times that ^{printed notes} ~~of~~ a religious or generally insulting nature have been left on the wall, or on my bench or machine that I believe have come from him. My Employer does nothing to deal with him or others that have done similar things in the past. They always pretend that they can't determine that anything has happened. Even when ~~the~~ this individual and others admit that they have done something, it's always with an excuse that it's an accident or some other lame and unbelievable thing. My Employer then encourages this behavior by brushing things under the rug. I believe that this individual as well as others are trying to provoke a physical incident between us which I never oblige them. The reason I believe this is because those who do this are socially and politically connected to people in my immediate management situation. And that I would be

the one who would suffer the consequences of something like this occurred.

Mark A. Peterson

December 16, 2003



MS

MASS. HUSSETTS COMMISSION AGAINST DISCRIMINATION
INTAKE INTERVIEW FORM

NAME Mark A. Peterson HOME TELEPHONE (508) 634-5294
 STREET ADDRESS 23 Mechanic St WORK (781) 981-4363
 CITY Milford STATE MA ZIP CODE 01757
 SSN 014-48-8528 MARITAL STATUS M LEVEL OF EDUCATION 12 RACE White
 NAME/TITLE OF THE POSITION YOU HELD OR SOUGHT:

IDENTIFY PERSON (S) YOU MAY BE CONTACTED THROUGH IF NEEDED
 NAME _____ ADDRESS _____ PHONE _____
 EMPLOYER OR DISCRIMINATING OFFICIAL

NAME: MIT - Lincoln Lab TEL (781) 981-5500 NO. OF EMPLOYEES _____
 ADDRESS STREET 244 Wood St CITY Lexington
 STATE MA ZIP CODE _____ DATE OF LAST DISCRIMINATORY ACT Oct 10, 2003

I BELIEVE I WAS DISCRIMINATED AGAINST IN: (PLEASE CHECK APPROPRIATE BOX)
☒ EMPLOYMENT ☐ PUBLIC ACCOMMODATIONS ☐ EDUCATION ☐ CREDIT ☐ OTHER SERVICES

I BELIEVE I WAS DISCRIMINATED AGAINST BECAUSE OF (PLEASE CHECK APPROPRIATE BOX)
☐ RACE ☐ COLOR ☐ NATIONAL ORIGIN ☐ ANCESTRY ☐ AGE (DOB) _____ ☐ SEX
☐ SEXUAL HARASSMENT ☐ SEXUAL ORIENTATION ☐ DISABILITY ☒ RELIGION
☐ CRIMINAL RECORD ☒ RETALIATION

THE TYPE OF DISCRIMINATION IS: (PLEASE CHECK APPROPRIATE BOX)
☐ TERMINATION ☐ FAILURE TO HIRE ☐ LAYOFF ☒ HARASSMENT ☐ DENIED PROMOTION
☒ TERMS & CONDITIONS ☐ REASONABLE ACCOMMODATION ☐ OTHER (SPECIFY)

IDENTIFY THE PERSON (S) WHO WERE TREATED DIFFERENTLY THAN YOU (NOT DISCRIMINATED AGAINST) TO WHICH YOU COMPARE YOURSELF TO:

NAME _____ (I.E. RACE, SEX, DISABILITY)

NAME Every one in the shop is treated differently. I have a list of names
 SUMMARIZE THE ACT (S) OF DISCRIMINATION YOU ARE COMPLAINING ABOUT:

I was singled out and told to stop reading while I was operating an automatic machine.
I was told to just sit and stare at the machine. When I pointed out the fact that
every one for twenty years was allowed to do this, I was told to mind my business.
 THE REMEDY YOU ARE SEEKING: the same rules for every one, or an apology
 NED Mark A. Peterson DATE Nov 19, 2003

AD OFFICIAL USE ONLY (Note that this is not a complaint form) 10/02

4/13/04

The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024

Date Issued: 4/13/2004

David O. Scott, Esq.
Law Office of David O. Scott, P.C.
200 Chauncy Street
Mansfield, MA 02048

Re: Complainant(s) Mark A Peterson

Vs.

Respondent(s) MIT Lincoln Lab

MCAD Docket Number: 03BEM02990
EEOC/HUD Charge Number: 16CA400336

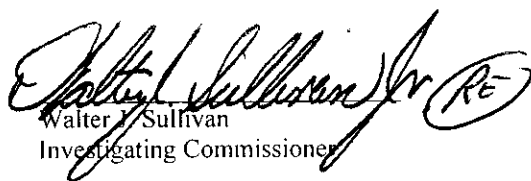
Dear Counsel:

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Very truly yours,


Walter J. Sullivan
Investigating Commissioner

Cc:

Jerome N. Weinstein, Esq.
Sullivan, Weinstein & McQuay
Two Park Plaza
Boston, MA 02116



MS

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST
DISCRIMINATION
ONE ASHBURTON PLACE
BOSTON, MA 02108-1518

Tel: (617) 994-6000

TTY: (617) 994-6196

Fax: (617) 994-6024


TO: File
FR: Robin Edwards
RE: Mark A. Peterson v. MIT Lincoln Lab
MCAD # 03BEM02990
EEOC # 16CA400336 (25+ employees)
DATE: April 13, 2004

**RECOMMENDATION: CASE CLOSURE -- WITHDRAWN IN ORDER TO
FILE A PRIVATE RIGHT OF ACTION ON THE SAME MATTER IN
CIVIL COURT**

On November 19, 2003 Complainant filed a complaint with the Massachusetts Commission Against Discrimination and the EEOC. Complainant alleged Respondents discriminated against him on or around November 19, 2003 on the basis of Religious Creed in violation of M.G.L. c.151B§4 (1A) and Title VII.

On April 9, 2004 Complainant's Counsel submitted a request to withdraw this complaint from the MCAD and EEOC in order to pursue the matter as a private right of action in civil court.

The Commission finds no reason to investigate this matter further. Therefore, it is recommended that Complainant be allowed to withdraw this complaint.



Robin Edwards
Administrative Assistant
MCAD, AAU



MS

LAW OFFICE OF DAVID O. SCOTT, P.C.

200 CHAUNCY STREET
MANSFIELD, MASSACHUSETTS 02048
508-261-7090

SUZANNE A. JETTÉ
PARALEGAL

FAX 508-261-7196
E-MAIL: DSESQ@AOL.COM

Massachusetts Commission
Against Discrimination
One Ashburton Place, Room 601
Boston, Massachusetts 02108

April 9, 2004

IN RE: MARK A. PETERSON v. M.I.T. LINCOLN LAB
MCAD DOCKET NO. 03-BEM-02990

Dear Sir/Madam:

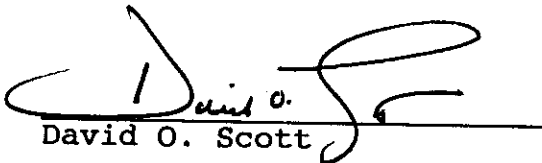
I hereby request permission to withdraw the Complaint filed on behalf of my client, Mark A. Peterson, filed with this Commission for the following reason.

- ☒ [X] Complainant wishes to file a private right of action in Civil Court.
- ☐ [] Complainant has reached a satisfactory settlement with the Respondent.
- ☐ [] Complainant no longer intends to pursue this matter at the Commission.

Complainant also wishes to withdraw this Complaint from the Equal Employment Opportunity Commission.

Complainant understands that by making this request, no further complaint on the same matter may be brought before the MCAD. Complainant has been advised that it is unlawful for any person or persons to threaten, intimidate, or harass him because he filed a Complaint. Complainant has not been coerced into requesting this withdrawal.

Very truly yours,


David O. Scott

DOS/saj

cc: Mark A. Peterson
23 Mechanic Street
Milford, Massachusetts 01757

Jerome N. Weinstein, Esquire
Sullivan, Weinstein & McQuay
Two Park Plaza
Boston, Massachusetts 02110-3802



MS

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION
One Ashburton Place
Boston, MA 02108

(617) 994-6000
fax (617) 994-6024

January 28, 2004

David O Scott, Esq.
Dean & Scott, Attorneys At Law
23 Mechanic Street
Milford, MA 01757



Re: **Request for Complainant's Response to Position Statement**
Case: Mark A Peterson v. MIT Lincoln Lab
No: 03BEM02990

Dear Counsel:

Now that all parties have received a copy of Respondent's position statement, the Commission requests that Complainant, through counsel, submit *a response to the position statement* within twenty one (21) days of receipt of this letter.

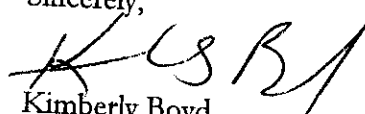
Complainant's response shall consist of a maximum of five (5) pages, double-spaced. The response should set forth the Complainant's prima facie case by using any facts and information currently available. Complainant should also state the reasons he/she believes Respondent's articulated reason for the adverse action was pretextual and why information sought in discovery would support Complainant's allegations.

Once the Commission has received Complainant's response, the investigator will review the charges and responses in determining whether a Pre -Determination Discovery Order (804 CMR 1.13(7)) should issue.

Complainant is not required to send in a response to the position statement but may instead submit a letter affirming that the complaint, as filed, meets the requirements set forth above. However, failure of Complainant to meet the minimum-filing requirements as described above may result in the Commission's recommendation of a finding without the benefit of discovery.

If you have any questions, please contact me at 617 994-6097.

Sincerely,


Kimberly Boyd
Attorney Investigator

cc: Jerome N Weinstein, Esq.
Sullivan Weinstein & McQuay
Two Park Plaza
Boston, MA 02116
MCAD_AAU Cp Response Letter

MS

**THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION
One Ashburton Place, Room 601
Boston, MA 02108**

Tel: (617) 994-6000

TTY: (617)-6196

Fax: (617) 994-6024

January 21, 2004

Mark Peterson
23 Mechanic Street
Milford, MA 01757

Sullivan, Weinstein & McQuay, P.C.
Two Park Plaza, Suite 610
Boston, MA 02116



**Re: Peterson v. MIT Lincoln Lab
MCAD #: 03BEM02990
EEOC #: 16CA400336**

Dear Parties:

It has come to the Commission's attention that all parties are now represented by counsel.


Consequently, your case has been transferred to the Attorney Assisted Unit (AAU) and has been assigned to an Attorney Investigator in that unit who will continue to investigate your case. The investigative conference has been cancelled.

The AAU Attorney Investigator assigned to your case is **Kimberly Boyd**.

Enclosed, please find our AAU Fact Sheet that contains information on procedures within the Attorney Assisted Unit.

Should you have any questions or concerns, you can contact Kimberly Boyd at (617) 6097.

Sincerely,


Pamela Brooks
Pro Se Investigator

MS

SULLIVAN WEINSTEIN & MCQUAY, P.C.

TWO PARK PLAZA, SUITE 610
BOSTON, MASSACHUSETTS 02116-3902
PHONE (617) 348-4300
FAX (617) 348-4343

FACSIMILE COVER SHEET

DATE: 1/20/04

Number of pages including cover sheet: 2

TO: Pamela Brooks MCAD Investigator		FROM: Jerry Weinstein	
Phone:		Direct Line: 617-348-4333	
Fax: 617-994-6024		Direct Fax: 617-348-4343	
REMARKS: <div style="text-align: center;"><p>1075 / PBRO</p><p>JAN 20 2004</p><p>DISCRIMINA</p><p>CR / A</p></div>			
FILE		RETURN TO ME	
COPY TO:			

This transmission is intended only for the addressee(s) listed above, and may contain information that is confidential and privileged. If you are not the addressee, any use, disclosure, copying or communication of the contents of this communication may be subject to legal restrictions or sanctions. If this message was received in error, please telephone the sender immediately, via collect call, at (617) 348-4300. Thank you.

MS

DEAN & SCOTT
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION
200 CHAUNCEY STREET
MANSFIELD, MASSACHUSETTS 02048

STEVEN I. DEAN
DAVID O. SCOTT

Suzanne A. Jette
Paralegal

Tel. (508) 261-7090
Fax (508) 261-7198
E-Mail DSBSQ @ AOL.COM

January 16, 2004

Massachusetts Commission
Against Discrimination
One Ashburton Place, Room 601
Boston, Massachusetts 02108

IN RE: MARK A. PETERSON v. M.I.T.
MCAD DOCKET NO. 03-BEM-02990

Dear Sir/Madam:

This letter serves as my appearance regarding the above-referenced matter, on behalf of the Complainant, Mark A. Peterson. Please transfer this case to the Attorney-Assisted Unit for further proceedings, as both parties are now represented by legal counsel.

I assume that this appearance negates the fact-finding conference, which I believe is scheduled for January 21, 2004.

Thank you for your cooperation and assistance.

Very truly yours,


David O. Scott

DOS/saj

cc: Mark A. Peterson
23 Mechanic Street
Milford, Massachusetts 01757

Jerome N. Weinstein, Esquire
Sullivan, Weinstein & McQuay
Two Park Plaza
Boston, Massachusetts 02110-3802

123

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5110
RECIPIENT ADDRESS	
DESTINATION ID	
ST. TIME	01/20 05:44
TIME USE	01'15
PGS.	2
RESULT	OK

MS

~~Pamela~~
~~Brooks~~
RB

DEAN & SCOTT
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION
200 CHAUNCEY STREET
MANSFIELD, MASSACHUSETTS 02048

STEVEN I. DEAN
DAVID O. SCOTT

Suzanne A. Jetté
Paralegal

Tel. (508) 261-7090
Fax. (508) 261-7196
E-Mail DSESQ @ AOL.COM

January 16, 2004

Massachusetts Commission
Against Discrimination
One Ashburton Place, Room 601
Boston, Massachusetts 02108



CEI

JAN 22 2004
COMMISSION

IN RE: MARK A. PETERSON v. M.I.T.
MCAD DOCKET NO. 03-BEM-02990

Dear Sir/Madam:

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Thank you for your cooperation and assistance.

Very truly yours,


David O. Scott

DOS/saj

cc: Mark A. Peterson
23 Mechanic Street
Milford, Massachusetts 01757



Jerome N. Weinstein, Esquire
Sullivan, Weinstein & McQuay
Two Park Plaza
Boston, Massachusetts 02110-3802

MS

1075 / PBR
CP / A

DEAN & SCOTT

PB

Attorneys at Law, 200 Chauncy Street, Mansfield, Massachusetts 02048

FAX

Date: 1/19/04

Number of pages including cover sheet: 2

To: MCAO

Phone:

Fax phone: 617-994-6024

CC: Terence A. Weinstein, Esq.
617-348-4343

From:

David O. Scott

Phone: (508) 261-7090

Fax (508) 261-7196
phone:

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

Re Mark A. Perom vs. MIT

MCAO Docket No. 03-BEM-02990

THIS FACSIMILE CONTAINS INFORMATION INTENDED ONLY FOR THE USE OF THE ADDRESSEE NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS FACSIMILE OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS FACSIMILE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY SO THAT WE CAN ARRANGE FOR ITS RETURN. THANK YOU!

DEAN & SCOTT
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION
200 CHAUNCY STREET
MANSFIELD, MASSACHUSETTS 02048

STEVEN I. DEAN
DAVID O. SCOTT

Suzanne A. Jetté
Paralegal

Tel. (508) 281-7090
Fax. (508) 281-7196
E-Mail DSESQ @ AOL.COM

January 16, 2004

Massachusetts Commission
Against Discrimination
One Ashburton Place, Room 601
Boston, Massachusetts 02108

IN RE: MARK A. PETERSON v. M.I.T.
MCAD DOCKET NO. 03-BEM-02990

Dear Sir/Madam:

This letter serves as my appearance regarding the above-referenced matter, on behalf of the Complainant, Mark A. Peterson. Please transfer this case to the Attorney-Assisted Unit for further proceedings, as both parties are now represented by legal counsel.

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Thank you for your cooperation and assistance.

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David O. Scott

DOS/saj

cc: Mark A. Peterson
23 Mechanic Street
Milford, Massachusetts 01757

Jerome N. Weinstein, Esquire
Sullivan, Weinstein & McQuay
Two Park Plaza
Boston, Massachusetts 02110-3802

*** RX REPORT ***

RECEPTION OK

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MS

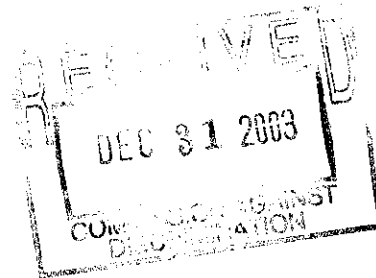
SULLIVAN WEINSTEIN & MCQUAY
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

JEROME N. WEINSTEIN
(617) 348-4333
jweinstein@resq.com

December 31, 2003

BY HAND

Pamela Brooks
Investigator
The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place
Boston, MA 02108



Re: Peterson vs. MIT Lincoln Lab (MCAD No. 03BEM02990)

Dear Ms. Brooks:

I submit this position statement on behalf of Respondent Massachusetts Institute of Technology ("MIT").¹ MIT denies that it discriminated against the Complainant because of his creed and respectfully submits that the Commission should dismiss the Complaint.

The Complainant has been employed since July 20, 1982 in Group 72 at MIT's Lincoln Laboratory; his current classification is that of Instrument Maker, where he operates a variety of standard and numerically controlled equipment like lathes, drills and milling machines. Although the Complainant has generally performed his duties to management's satisfaction, he has constantly complained throughout his employment about "unfairness" in how he has been treated by his supervisors and about being "picked on" by his co-workers. Because many of his issues go back literally decades, MIT has focused in this position statement on those events about which it has information during

¹ The Complainant names "MIT Lincoln Lab" as the Respondent. Lincoln Laboratory is a department of MIT located in Lexington, Massachusetts, and has no separate legal status for purposes of this case.

Pamela Brooks
Investigator
December 31, 2003

the course of the last two years, for example, that he was “assaulted” with a chemical, that he has had property stolen, that “his” machines have been “tampered with,” and that he was told not to read while running his machine.

Whenever the Complainant has come forward with complaints such as these, Lincoln Laboratory has undertaken an investigation, but it almost never has been able to validate them. For instance, the claim that the Complainant was assaulted with a chemical turned out to be a situation where an employee working on a machine applied some oil to it, and some of the oil sprayed into the area where the Complainant was working, landing on him. The employee said that there was a screen between his work area and that of the Complainant, that as a result he did not even know the latter was on the other side of the screen, and that any oil spray was accidental. Because they could not determine what actually happened, Laboratory management formally reminded the employee that harassment of any kind would not be tolerated, but they did not have any basis upon which to take further action (Exhibit 1).

Similarly, the merits of other claims brought by the Complainant could not be determined—such as that property had been stolen,² or that his machines had been tampered with.³ As for the Complainant’s being spoken to because he was reading while operating his machine, that indeed did happen. On this occasion a supervisor told the Complainant to put away a book that he was reading while his machine was running, for

² The Complainant once reported a catalog or magazine of his was missing from his work area, but he never said that tools, money, clothes or the like was taken.

³ Once, over a year ago, the Complainant said that a vice he was using had been loosened, but that could have been because another machinist also used the equipment. He also expressed that he was upset because someone moved a control panel on a machine that he was operating, but it appeared to management that happened because the panel extended into the aisle, and people moved it so that they

Pamela Brooks
Investigator
December 31, 2003

the obvious reason that the Complainant should have been paying attention to his job and not been distracted by non-work related matters.⁴

Other issues in the Complaint are raised for the first time as far as MIT is aware. MIT has no record within the last two years of the Complainant's ever presenting to it a problem about machines being "vandalized," or "threats" made against him or his wife, or his receiving "threatening" phone calls. Further, while there have been discussions with the Complainant about his lack of versatility as an Instrument Maker (the highest rated Machinist classification) operating new equipment, those have always been in an attempt to provide the appropriate training to him, and certainly have never been in any disciplinary context.

Likewise the Complainant has never raised to MIT in the last two years any claim that anything that happened to him at the Laboratory was because he is a "Born Again Christian-Historic Orthodox Christian Bible Believing Views."⁵ Not only has he not complained to MIT that he was discriminated against because of his creed, he fails utterly to make any convincing case of it in his Complaint. There are no specifications—not a single example of any taunts, comments, restrictions on religious practice or observance, or other relevant evidence—that would credibly show that he has been discriminated against because of his religious beliefs or practices.

could get by. It should be noted that none of the equipment in the machine shop that the Complainant works in is exclusive to any one employee.

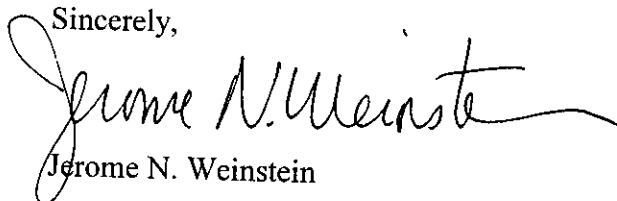
⁴ Contrary to the Complainant's assertions, Laboratory management does not allow non-work related reading to go on when employees are operating machines and has spoken to other individuals when such activity has been observed.

⁵ In fact, when the Complainant brought his unhappiness about the oil-spray incident to the attention of the Laboratory's Human Resources department, he was specifically asked whether any of his concerns was based on hostile discrimination. The Complainant did not claim that any negative experiences at the Laboratory was the result of religious discrimination.

Pamela Brooks
Investigator
December 31, 2003

Accordingly, MIT respectfully submits that the Commission dismiss the
Complaint.⁶

Sincerely,



Jerome N. Weinstein

cc: Brian Donahue
Angelo Rodriguez
Jonathan Barnes, Esq.
Mark DiVincenzo, Esq.
Mark Peterson

⁶ MIT reserves its right to assert affirmative defenses, as appropriate, in the course of this proceeding, including that the Complaint is untimely.

Pamela Brooks
Investigator
December 31, 2003

AFFIRMATION OF RESPONDENT

I, Brian Donahue, Human Resources Manager for Respondent MIT, upon information and belief, affirm that the facts set forth in the above position statement are true.

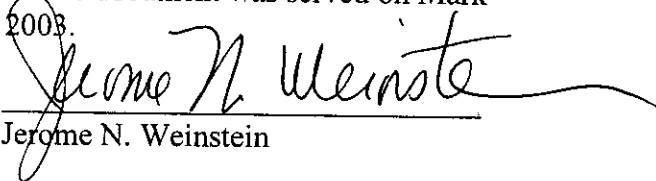
Brian Donahue

Sworn and subscribed to before me this _____ day of December 2003.

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on Mark Peterson by first class mail on December 31, 2003.

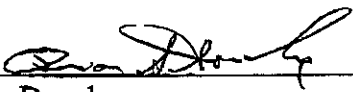


Jerome N. Weinstein

Pamela Brooks
Investigator
December 31, 2003

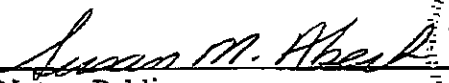
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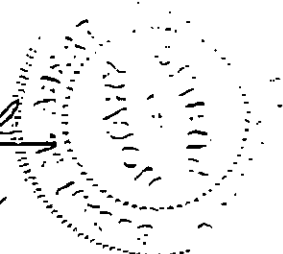


Brian Donahue

Sworn and subscribed to before me this 31st day of December 2003.



Notary Public
Commission Expires 1/22/04



CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on Mark Peterson by first class mail on December 31, 2003.

Jerome N. Weinstein

MS

**MASSACHUSETTS INSTITUTE OF TECHNOLOGY
LINCOLN LABORATORY**

12 March 2003

TO: Eric J. Salvo
FROM: Angelo E. Rodriguez *AER*
SUBJECT: Complaint/MIT Personnel Policy

On 4 March, James Ingrams and I met with you and your union representative. The purpose of this meeting was to inform you that a co-worker has made a serious complaint that reported unacceptable behaviors on your part, and to afford you the opportunity to respond to the complaint. We also informed you the seriousness of any retaliation and handed you a copy of MIT Personnel Policy (3.10) on Harassment.

MIT Lincoln Laboratory is committed to a work environment that does not tolerate harassment, violence, or retaliation. We investigate all complaints we receive and respect the rights and privacy that are due to all parties concerned. Our policies and procedures address complaints that are made in good faith and provide a foundation for a positive and respectful work environment.

We have reviewed, both with you, the complainant, and all others involved, the applicable policy (attached). This has been done in order to best insure that this policy is clearly understood and that the potential consequences for violating our policies are known and acknowledged. As stated in section (3.10) of the MIT Personnel Policy Manual, "Harassment of any kind is not acceptable behavior at MIT; it is inconsistent with the commitment to excellence that characterizes MIT's activities. MIT is committed to creating an environment, in which every individual can work, study, and live without being harassed. Harassment may therefore lead to sanctions up to and including termination of employment or student status."

The Human Resources Office and Group 72 Management will continue to monitor your work environment. This is being done in order to best insure that no retaliatory actions and/or violations of the Harassment Policy are occurring.

If you are experiencing personal difficulties, you are advised and encouraged to contact Mr. James Chansky or Ms. Rita Fischer of the MIT Medical Department's Employee Assistance Program at (617) 253-2916.

I am available to discuss this matter if you have any additional questions or concerns.

AER:fg

Attachments: MIT Personnel Policy 3.10 on Harassment

xc: J. Ingraham

FOR LABORATORY USE ONLY

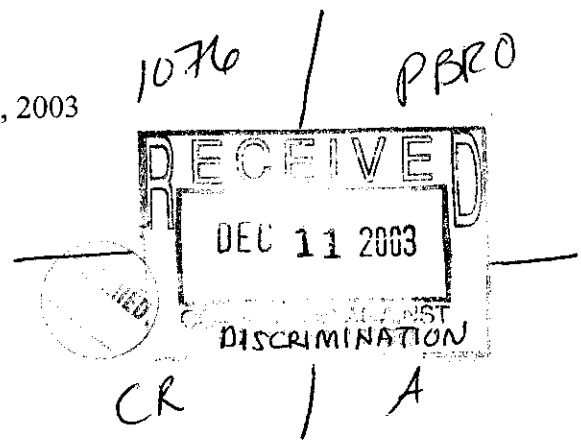
MS

SULLIVAN WEINSTEIN & MCQUAY
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

JEROME N. WEINSTEIN
(617) 348-4333
jweinstein@resq.com

December 10, 2003

Pamela Brooks
Investigator
The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place
Boston, MA 02108



**Re: Mark A. Peterson vs. MIT Lincoln Lab (MCAD Docket Number:
03BEM02990; EEOC/HUD Number: 16CA700336)**

Dear Ms. Brooks:

Please enter our appearance on behalf of the Respondent in the above case.

Because of the press of other matters, I respectfully request an extension of time to file Respondent's position statement until December 31, 2003.

Thank you for your courtesies.

Sincerely,

Handwritten signature of Jerome N. Weinstein.

Jerome N. Weinstein

Cc: Mark DiVincenzo, Esq.
Brian Donahue

Handwritten initials 'MS'.

**The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024**

11/19/2003

RE: Mark A Peterson vs. MIT Lincoln Lab
MCAD Docket Number: 03BEM02990
EEOC/HUD Number: 16CA400336

Dear Complainant Party:

Please be advised that the Massachusetts Commission Against Discrimination (MCAD) has assigned Pamela Brooks to investigate the above referenced complaint of discrimination. The Commission's investigator will review the allegations in the complaint and will keep the parties informed of developments arising from that investigation.

Please indicate the following by initialing the correct statement:

____ I am represented by an attorney in this matter. If you initial this statement, you must submit to the investigator a Notice of Appearance from your attorney within 10 days of the date of this letter in order to be considered represented by counsel.

MA P I am not represented by an attorney in this matter.

Please note that if your situation changes you must notify the Commission immediately. Also, failure to accurately complete this statement may result in your claim being administratively closed for failure to cooperate with the Commission's investigation.

In order to reduce the time necessary to investigate and resolve complaints of discrimination, the MCAD schedules an Investigative Conference with the parties shortly after the complaint is filed. Information about the Conference is included with this notice.

An Investigative Conference regarding the above complaint will be held at the Commission's Office, One Ashburton Place, Boston, MA at 01:00 PM on 01/21/04. You are required to attend this conference and your failure to do so will be taken as representing a lack of interest on your part in pursuing this claim.

If you have any questions pertaining to the Investigation, please contact Pamela Brooks at (617)-994-6090.

Very truly yours,

Pamela Brooks
Investigator

Cc:

**The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place , Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024**

11/19/2003

RE: Mark A Peterson vs. MIT Lincoln Lab
MCAD Docket Number: 03BEM02990
EEOC/HUD Number: 16CA400336

Dear Respondent:

Please be advised that the Massachusetts Commission Against Discrimination (MCAD) has received the above referenced complaint of discrimination which alleges that you have committed an act of discrimination. A copy of that complaint is enclosed.

State law requires the Commission to impartially review the allegations in that complaint. The Commission has assigned one of its staff, Pamela Brooks, to investigate the complaint. This MCAD investigator will keep the parties informed of developments arising from that investigation.

State law requires that you submit a formal written answer to the complaint in the form of a Position Statement. This written answer should be submitted to MCAD Investigator within twenty-one (21) days of receipt of this notification. In addition, the Position Statement **must be notarized**. A copy must also be forwarded to the Complainant at the address listed on the enclosed complaint. Failure to file an answer or Motion for a More Definite Statement within the prescribe time may result in sanctions being imposed in accordance with 804 CMR 1.16. These sanctions may include but are not limited to:

- a. allegations in the complaint being taken as established for the purposes of the case in accordance with the claims of the Complainant;
- b. a waiver by Respondent of the right to have the Commission conduct further investigation, determine whether there is probable cause and/or make conciliation efforts;
- c. your being barred from introducing any and all evidence at the public hearing;
- d. your being barred from introducing designated matters into evidence at the public hearing;
- e. your being barred from presenting any and all defenses at the public hearing; and,
- f. your being barred from opposing designated claims or supporting designated defenses at the public hearing.

Please note that you must include in the Position Statement one of the following statements:

I am (or Respondent is) represented by an attorney in this matter.

-OR-


I am (or Respondent is) not represented by an attorney in this matter.

Failure to submit an accurate statement may result in adverse action being taken against you as the Respondent. Please note that if your representational situation changes, you must notify the Commission immediately.

In order to reduce the time necessary to investigate and resolve complaints of discrimination, the MCAD schedules an Investigative Conference with the parties shortly after the complaint is filed. Information about that Conference is included with this notice.

An Investigative Conference regarding the above complaint will be held at the Commission's Offices, One Ashburton Place , Boston, MA, at 01:00 PM on 01/21/04. You are required to attend this Conference.

MCAD Docket Number 03BEM02990, Serve Respondent – With Investigative Conference



One important purpose of this Conference will be to determine whether the parties are willing to consider a rapid, informal and voluntary resolution of this dispute. The Commission encourages such resolutions as an alternative to the often lengthy and expensive litigation process.

If you have any questions pertaining to the Investigative Conference, please contact Pamela Brooks at (617)-994-6090.

Sincerely,

Pamela Brooks
Investigator

Cc:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

To: **EEOC**
JFK Federal Building
Fourth Floor, Room 475
Boston, MA 02203

Date: **11/19/2003**
EEOC Charge Number: **16CA400336**
706 Agency Charge Number: **03BEM02990**

SUBJECT: CHARGE TRANSMITTAL

Mark A Peterson v. MIT Lincoln Lab

Transmitted herewith is a charge of employment discrimination initially received by the:

☐ EEOC ☒ Mass. Commission Against Discrimination on **11/19/03**
(Name of 706 Agency) (Date of Receipt)

☐ Pursuant to the work-sharing agreement, this charge is to be initially processed by the EEOC.

☒ Pursuant to the work-sharing agreement, this charge is to be initially processed by the 706 Agency.

☐ EEOC requests a waiver ☐ 706 agency waiver

☐ No waiver requested ☒ 706 agency will process the charge initially

Please complete the bottom portion of this form to acknowledge receipt of the charge and where appropriate, to indicate whether the 706 agency will initially process the charge.

=====
Typed Name of EEOC or Agency Director
Dorca I. Gomez, Chairwoman
=====

Signature
=====

Mark A Peterson
(Charging Party)

MIT Lincoln Lab
(Respondent)

To whom it may concern:

☐ This will acknowledge receipt of the referenced charge and indicate the agency's intention to initially process the charge.

☐ This will acknowledge receipt of the referenced charge and indicate the agency's intention not to initially process the charge.

☐ This will acknowledge receipt of the referenced charge and indicate the Agency's intention to dismiss/close/not docket the charge for the following reason:

=====
Typed Name of Agency Director
Robert L. Sanders
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Signature
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The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place , Boston, MA 02108

Date: **11/19/2003**
EEOC Charge Number: **16CA400336**
706 Agency Charge Number: **03BEM02990**

U.S. Equal Employment Opportunity Commission

Boston Area Office
JFK Federal Building, Room 475
Boston, MA 02203
Phone: (617) 565-3200
TDD: (617) 565-3204
Fax: (617) 565-3196

EEOC Charge No: 16CA400336

NOTICE

This office has been sent a copy of the Complaint of employment discrimination you filed with the Massachusetts Commission Against Discrimination (MCAD), and in order to preserve your federal rights the above referenced charge number has been assigned.

YOUR FEDERAL RIGHTS AND EEOC PROCEDURAL REGULATIONS

() Title VII of the Civil Rights Act of 1964, as amended (Title VII)-

If you wish to file a private lawsuit in Federal District Court with your own private attorney, prior to the MCAD's completion of its investigation, you may do so by requesting a NOTICE OF RIGHT TO SUE from the EEOC. Once this request for you to file a private lawsuit is granted, your EEOC charge and possibly the MCAD complaint will be closed. When you receive the NOTICE OF RIGHT TO SUE, it is only valid for ninety (90) days.

() The age discrimination in employment act of 1967, as amended (ADEA)-

If you filed your complaint within 300 days of the alleged act of discrimination you can file a private lawsuit under the ADEA any time 60 days after the date you filed your complaint, or within 90 days of your receipt of notice that the EEOC has completed action on your complaint.

() The Americans with Disabilities Act of 1990 - Same as Title VII.

The Massachusetts Commission Against Discrimination will investigate and resolve your complaint. If you have any questions regarding the status of your complaint, contact the MCAD location where you filed the complaint. If you want EEOC to conduct a review of the MCAD's Final Determination and Order, you must make this request in writing to the above address within 15 days of the MCAD's final determination, otherwise, we will accept the MCAD's final action as our own. EEOC's regulations require that you inform us and the state agency, in writing, of any change in or prolonged absence from your current address.

If you do not wish to file a private lawsuit on your own, and wish the Massachusetts Commission Against Discrimination to continue with its investigation of your complaint, there is no need for you to take any action now. The MCAD will in the near future inform you of their findings.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

MIT Lincoln Lab
Human Resources
244 Wood Street
Lexington, MA 02420

Person Filing Charge: Mark A Peterson
This Person (Check One): ☐ Claims to be aggrieved
☐ Is filing on behalf of
Date of Alleged Violation: 11/19/03
Place of Alleged Violation: Lexington,
EEOC Charge Number: 16CA400336
MCAD Docket Number: 03BEM02990

**NOTICE OF CHARGE OF DISCRIMINATION WHERE AN FEP AGENCY WILL INITIALLY
PROCESS (See Attached Information Sheet For Additional Information)**

You are hereby notified that a charge of employment discrimination under
☐ Title VII of the Civil Rights Act of 1964
☐ The Age Discrimination in Employment Act of 1967 (ADEA)
☐ The Americans Disabilities Act (ADA)

Has been received by

- ☐ The EEOC and sent for initial processing to MCAD
(FEP Agency)
☐ The Mass. Commission Against Discrimination
(FEP) Agency and sent to the EEOC for dual filing purposes.

While the EEOC has jurisdiction (upon the expiration of any deferral requirements if this is a Title VII or ADA Charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

- ☒ As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's issuing a final finding and order. If the agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provisions of Title VII and the ADEA as explained on the second page of this form apply.

For further correspondence on this matter, please use the charge number(s) shown.

- ☐ An Equal Pay Act Investigation (29 U.S.C 206(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
☒ Enclosure: Copy of the Charge

Basis of Discrimination

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Sex	<input type="checkbox"/> Religion	<input type="checkbox"/> National Origin
<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Other	

Circumstances of alleged violation:

SEE ENCLOSED COPY OF THE CHARGE OF DISCRIMINATION (or EEOC FORM 5)

EEOC Charge Number 16CA400336, EEOC Transmittal Letter to Respondent

MS

Date	Type Name/Title of Authorized EEOC Official	Signature
11/19/2003	Robert L. Sanders, Director	